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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,984	01/16/2004	Harry Snyder	2003P00652 US01	7911
7590 Alexander J. Burke Intellectual Property Department 5th Floor 170 Wood Avenue South Iselin, NJ 08830			EXAMINER VY, HUNG T	
			ART UNIT 2163	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/758,984	Applicant(s) SNYDER ET AL.	
	Examiner Hung T. Vy	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. As of entry of the amendment filed 11/27/2006, claims 1-19 are pending in this application. Upon reconsideration, the rejection of claims 1-19 by Evan is hereby withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Thompson et al.

Drawings

2. The drawings are objected to for the following reasons.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of interface images" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC, 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 are rejected under 25 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 1-19 recite a system, however the components of the system are merely software per se. A system claims much recite physical structure thus enabling it to be properly categorized in one of the statutory categories of invention. Since the components of the system claims 1-19 are software per se and do not contain any physical components, the systems cannot be categorized in one of the statutory categories of invention and is thus nonstatutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Thompson et al. (U.S. pub. No. 2003/0229522).

Regarding to claims 1, and 16-19, Thompson et al. discloses a system enabling individual organizations of a plurality of different organizations (i.e., *"many different type of people, both within and outside an organization"* (0283)) to manage access of employees (i.e., *"can access the organization's data"*) (0283) to at least one remotely located application hosted by an application service provider (900)(see fig. 8)(0271), comprising: at least one database (907) containing data representing (see fig. 8), a plurality of user interface images (i.e., *"each benefit broker/consultant can display their own name, logo and colors on user interface screens"* (0116) associated with a corresponding plurality of organizations (i.e., *"each benefit broker/consultant can display their own name, logo and colors on user interface screens"* (0116), and a plurality of executable procedures associated with the corresponding plurality of user interface images (i.e., *"the application 20 may contain image branding portal customization and personalization tools and*

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templates" (0116), an executable procedure supporting a user of a particular organization (i.e., *"the client tier 902 may be a browser which executes the application's user interface with which the user directly interacts"* (0271)) of said plurality of organization in managing access of employees of the particular organization (i.e., *"different users 1105 as generally represented by the different blocks in the user portals 1114 will be allowed access to different portions of the application"*) (0284) to an application hosted by an application service provider (900)(see fig. 8)(0271), and used by said plurality of organization (i.e., *"many different type of people, both within and outside an organization"* (0283)); and a command processor employing the at least one database (907, 909) for initiating execution of a particular executable procedure organization in response to a command initiated using a particular user interface image (i.e., *"the client tier 902 may be a browser which executes the application's user interface with which the user directly interacts"* (0271)) associated with the particular executable procedure and with the particular organization (see fig. 10-12), the particular executable procedure supporting the user in managing access of an employee (i.e., *"security and user APIs 1010 shown in FIG. 9"*) of the particular organization to an application, an authorization processor for authorizing access of the user to a particular user interface image (i.e., *"various services, ranging from personalization to authentication to security, for private or confidential data or internal business processes, need to be provided"*) (0283) and excluding access by employees of organizations other than said particular organization (0288) or (i.e., *"a second human resource employees may be given restricted access to perform limited plan maintenance support tasks, as determined by the employer"* (0126)).

Regarding claim 2, Thompson et al. discloses an authorization processor for authorizing access of the user to the particular user interface image and the associated particular executable procedure in response to received identification information (i.e., *"authentication"*)(0285) of the user (0284-0285).

Regarding claims 3-4 and 6, Thompson et al. discloses an authorization processor excludes access of the user and employees (i.e., *"users1105"*)(0284) of the particular organization (i.e., *"different portion of the application functionality"* (0284) to user interface images and executable procedures and data associated with organizations other than the particular organization (0284) by removing permission (i.e., *"edit-control access"*) (0286) of the user and employees of the particular organization to access the data associated with the other organizations from a directory of permissions used to control data access(i.e., *"The application is accessible via one or more user portals customizable to permit one or more users access to all or a limited portion of at least one of the presentation panels and/or employee benefits management plan data"* (0023)(0025)).

Regarding claim 5, Thompson et al. discloses the directory of permission comprises a Microsoft compatible Active Control List (i.e., *"edit-control access"*)(0286).

Regarding claim 7, Thompson et al. discloses the plurality of executable procedures comprises a plurality of sets of executable procedures associated with the corresponding plurality of user interface images organization (i.e., *"the client tier 902 may be a browser which executes the application's user interface with which the user directly interacts"* (0271)) and the command processor employs the at least one database (907,909) for initiating execution of a particular executable procedure in a particular set

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of executable procedures in response to a command initiated using the particular executable procedure in a particular set of executable procedures in response to a command initiated using the particular user interface image (see fig. 1, 9-12).

Regarding claim 8, Thompson et al. discloses an executable procedure enables the user to at least one of add an employee and remove an employee, of an organization as a user entitled to access the application hosted by the application service provider (i.e. "*edit-control access*") (0286).

Regarding claim 9, Thompson et al. discloses the executable procedure changes authorization information associated with the added or removed (i.e. "*edit-control access*") (0286) (see fig. 9)

Regarding claim 10, Thompson et al. discloses an executable procedure enables the user to amend information used in authorizing a particular employee of an organization to access (i.e. "*edit-control access*") (0286) the application hosted by the application service provider (900)(0286).

Regarding claims 11-12, Thompson et al. discloses an authorization processor for authorizing access of the employee of the particular organization to the particular user interface image and the associated particular executable procedure in response to received employees identification information (i.e., "*authentication*") (0284-0285).

Regarding claim 13, Thompson et al. discloses disclose an executable procedure comprises processor executable instruction in a computer language including at least a compliable computer language (0282 or claim 55).

Regarding claim 15, Thompson et al. discloses at least one of, the command is initiated at a user site via a particular user interface image (i.e., "*each benefit broker/consultant can display their own name, logo and colors on user interface screens*" (0116) communicated to the user site (0116).

Regarding claim 14, Thompson et al. discloses a template procedure customized by at least one of the user and a technician (0076).

Response to Arguments

5. Applicant's arguments filed 11/27/2006, with respect to the rejection(s) of claim(s) 1-19 under Evans have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Thompson et al.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954.

The examiner can normally be reached on 8.30am - 5.30 pm.

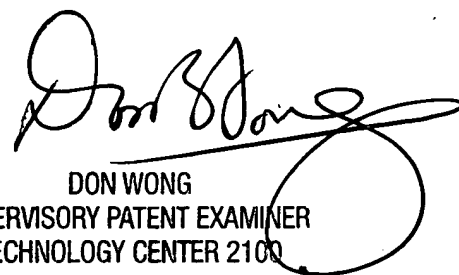
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
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January 25, 2007

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